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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,501	02/25/2004	Yuichi Taguchi	16869B-084300US	4999
20350	7590	08/22/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			DILLER, JESSE DAVID	
		ART UNIT		PAPER NUMBER
				2187

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/787,501	TAGUCHI, YUICHI
Examiner	Art Unit	
Jesse Diller	2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 June 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 25-30 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 25-30 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 25 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 2/25/04, 6/08/05.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Preliminary Amendment

1. Examiner acknowledges receipt of the preliminary amendment received 06/08/2005. At this point, claims 1-24 have been cancelled, claim 25 has been amended, and claims 26-30 have been added. Thus, claims 25-30 are now pending in the application.

Information Disclosure Statement

2. The information disclosure statements submitted on 02/25/2004 and 06/08/2005 are being considered by the examiner.

Drawings

3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. As noted in the specification on pages 1-2, 4, the system of Fig. 1 is "typical," "conventional," "usual," "commonly known," and "traditional". See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Lines 12-13 are unclear as to the location of the takeover operation. It appears that claim 25 should mirror lines 10-11 of claim 27. As it is, it is unclear whether lines 12-13 teach the location of the management computer or the computer which performs the takeover, or both.
5. For purposes of prior art examination, lines 12-13 have been taken to teach that the request is issued when the secondary host takes over processing of the primary host.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 25-30 are rejected under 35 U.S.C. 102(a), (b), and (e) as being anticipated by Vahalia et al., US Patent 6,275,953.

7. **As for Claim 25, Vahalia teaches:**

- In a clustering system (Col. 12, lines 45-48) having a plurality of host computers (data movers, Fig. 7) coupled to a storage system (23, Fig. 7) and a management computer (28, Fig. 9), wherein each of a plurality of logical units in the storage system is configured so that a logical unit in the storage system can be accessed only by one or more host computers (See Fig. 7 and Col. 12, lines 36-45; LUNs 81-83 are accessible by designated host data movers 84-86), a method comprising:
 - storing access control information in the storage system for enabling a primary host computer to access a first logical unit (See Figs. 10-13, esp. F.11, Data Mover Owner; Col. 13, lines 4-10); and

- changing the access control information in the storage system for enabling a secondary host computer to access the first logical unit based upon a request from the management computer (Figs. 22-23, esp. 245, F.23, where setting the network address enables access; See also Col. 23, lines 26-37; the methods of F.22-23 are performed by the management computer); wherein
- the request from the management computer is issued when taking over, at the secondary host computer, processing of the primary host computer (Figs. 22-23).

8. As for Claim 26, Vahalia additionally teaches:

- the request from the management computer is issued after the secondary host computer gains ownership of the first logical unit (244, Fig. 23 gains ownership; 245 allows access).

9. As for Claims 27-28, Vahalia additionally teaches:

- the secondary host computer gains ownership of the first logical unit when detecting a change of condition in the primary host computer, wherein the condition comprises a fault condition (232-236, Fig. 22);

10. As for Claim 29, Vahalia teaches:

- In a storage system (23, Fig. 7)coupled to at least a primary host computer (91, Fig. 7) and a secondary host computer (92, Fig. 7) and a management computer (28, Fig. 9), wherein each of a plurality of logical units (81-83, Fig. 7) in the

storage system is configured to be accessed by one or more host computers
(Figs 10-13), a method comprising:

- managing access control in the storage system so that the storage system permits access to the logical unit from the primary host computer and denies access to the logical unit from the secondary host computer (Col. 13, lines 4-12);
- and changing the access control so that the storage system permits access to the logical unit from the secondary host computer based upon a request from the management computer when the secondary host computer takes over processing of the primary host computer (Figs. 22-23).

11. As for Claim 30, Vahalia additionally teaches:

- changing the access control so that the storage system denies access to the logical unit from the primary host computer when the secondary host computer takes over processing of the primary host computer (See Col. 13, lines 4-12; the system uses exclusive ownership; however, at 233, 236, Fig. 22, the exclusive ownership is set to the secondary host, which will deny access attempts from the primary host).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **Kumar, US 6,862,613**, teaches changing access information upon failure of a host. **Blumenau, US 2002/0083339**, teaches exclusive access to LUNs by multiple hosts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse Diller whose telephone number is (571) 272-4173. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. The central telephone number for the Technology Center is (571)272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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